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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/743,262

12/22/2003

Asko Lauri Antero Vetelainen

KOLS.079PA

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Hollingsworth & Funk, LLC  
Suite 125  
8009 34th Avenue South  
Minneapolis, MN 55425

EXAMINER

LEIVA, FRANK M

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/743,262	<b>Applicant(s)</b> VETELAINEN, ASKO LAURI ANTERO	
	<b>Examiner</b> FRANK M. LEIVA	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 04 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04 March 2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments see Remarks, filed 04 March 2008, with respect to the rejection(s) of claim(s) 1-12 under 35 U.S.C. §102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, new grounds of rejection are made in view of Jokipii in view of Huemoeller et al (US 5,855,006).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jokipii in view of Huemoeller et al (US 5,855,006).**

5. **Regarding the analogous combination;** Jokipii as previously applied teaches methods for scheduling gaming leagues and tournaments; whereas Huemoeller teaches a personal activity scheduling apparatus and method which displays for the user a calendar to select activities in the users Sports Timer page. The examiner deems this art analogous given that sport leagues games scheduling are involved in Huemoeller and Jokipii gaming leagues tournament scheduling.

6. **Regarding claims 1 and 4;** Jokipii discloses a method of initiating a multiplayer game in an electronic gaming device, (§ [0006]), comprising:

storing the gaming calendar item in a calendar application of the gaming device, (acting as the calendar application), (fig. 5), showing time and date of scheduled event to be stored in the application; receiving a reply to the query, (§ [0041]); starting the game in a multiplayer mode in the gaming device in response to a positive reply, (§ [0041]), by responding player will automatically be seated on the active game. Jokipii fails to provide detail of its calendar page indicated in fig. 4 item 282. Yet Huemoeller discloses providing a gaming calendar item in the electronic gaming device, the item comprising a time for a multiplayer gaming session and a game to be played, (fig. 16).

displaying an alarm on a display of the device based on the stored naming calendar item when the gaming session is due, the alarm comprising a query whether or not to participate in the session, (fig. 4; "AL"), wherein the user sets up the event alarm for the chosen game appointment.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to try the calendar features of Huemoeller into the calendar page of Jokipii. Showing a calendar for selecting a date is a well-known feature and a predictable scheduling tool.

7. **Regarding claims 2, 6 and 10;** Jokipii discloses further comprising sending the gaming calendar item to at least one other gaming device, (§ [0041]), where the gaming item are sent via an invite.

8. **Regarding claims 3 and 7;** Jokipii further discloses, wherein the gaming calendar item comprises information about the server of the multiplayer game, and the device is configured to connect to the server when the game is started, (¶ [0041]), wherein the system upon receiving the positive response to the invite, automatically seats the player and reports the standings system to enable the tournament engine, thereby including server information in order to execute the program.

9. **Regarding claims 5 and 8;** Jokipii discloses an electronic gaming device comprising;

- a communication unit providing bi-directional communication with at least one other gaming device, a display, (¶ [0006]).

- a controlling unit connected to the display and the communication unit, providing an electronic calendar application, a memory connected to the controlling unit to store a gaming calendar item in the electronic calendar application, the item comprising a time for a multiplayer gaming session and a game to be played, (fig. 5 and 16), showing time and date of scheduled event to be stored in the application, kept in a database memory.

- start the game in a multiplayer mode in the gaming device in response to a positive reply, (¶ [0041]), automatic start of session upon a positive answer to the invite.

Jokipii fails to show the yahoo calendar page for which Huemoeller's invention is used to show features of an obvious choice, where the controlling unit being configured to display an alarm on the display of the device based on the stored gaming calendar item when the gaming session is due, the alarm comprising a query whether or not to participate in the session, (fig. 4 and 16), showing an alarm system with the event date selection the when combined with the multiplayer invite system of Jokipii, one of ordinary skill in the art would upon reading Huemoeller's invention predictably create a warning message based on the time of the invite for the player not to miss his scheduled game appointment.

10. **Regarding claims 9 and 11;** Jokipii discloses a computer program product encoding a computer program of instructions for executing a computer process for

initiating a multiplayer game in an electronic gaming device, (¶ [0006]), the process comprising:

starting the game in a multiplayer mode in the gaming device in response to a positive reply, (¶ [0041]), starting the game upon receiving the invite response.

Jokipii fails to disclosed his calendar page of his invention for which Huemoeller's invention is used to show the well-known calendar feature of providing a gaming calendar item in an electronic gaming device, the item comprising a time for a multiplayer gaming session and the game to be played, (fig. 16).

storing the gaming calendar item in a memory of the electronic gaming device, (fig. 16), showing the contents of the database.

displaying an alarm on a display of the device based on the stored naming calendar item when the gaming session is due, the alarm comprising a query whether or not to participate in the session, receiving a reply to the query, (fig. 4), showing the alarm feature of the game appointment, and in combination with the automatic invite system of Jokipii it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to see that the automatic invite system of Jokipii would need to set up with a certain trigger date event to send the invites with enough time for the players to respond.

11. **Regarding claim 12;** Jokipii also discloses distribution medium comprising a computer readable medium, a program storage medium, a record medium, a computer readable memory, a computer readable software distribution package, and a computer readable compressed software package,(¶ [0028-0030]).

12. **Examiner's Note:** Examiner has cited paragraphs and figures in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed

invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANK M. LEIVA whose telephone number is (571)272-2460. The examiner can normally be reached on M-Th 9:30am - 5:pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E. Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

FML 04/28/2008

/Scott E. Jones/

Primary Examiner, Art Unit 3714